

William A. Broscious. (Va. Bar No. 27436)
KEPLEY BROSCIOUS & BIGGS, PLC
2211 Pump Road
Richmond, Virginia 23233
(804) 741-0400 x202

Counsel to Roy M. Terry, Jr., Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:) **Chapter 7**
)
CELLCON GROUP, INC.,) **Case No. 17-36015-KLP**
)
Debtor.)

**ORDER AUTHORIZING TRUSTEE TO CONDUCT
BANKRUPTCY RULE 2004 EXAMINATIONS**

Upon the motion (the “Motion”) of Roy M. Terry, Jr., Trustee (the “Trustee”), in the bankruptcy case of CellCon Group, Inc. (the “Debtor”), for an order pursuant to Section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 2004-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Local Bankruptcy Rules”), authorizing and directing discovery of certain third parties defined in the Motion as the “Rule 2004 Parties;” the Court finds that: (a) it has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b); (c) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (d) proper and adequate notice of the Motion and the hearing thereon has been

given and no other or further notice is necessary; (e) there have been no objections to the Motion; and (f) upon the record herein, and after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein; therefore, it is hereby ORDERED that:

1. The Motion be and hereby is GRANTED;
2. The Trustee be and hereby is authorized to examine the Rule 2004 Parties to the fullest extent permitted by Rules 2004 and 9016 of the Bankruptcy Rules concerning the Transaction (as defined in the Motion), and whether any claims or causes of action may exist against the Rule 2004 Parties, including but not limited to turnover under Section 542 of the Bankruptcy Code and unauthorized post-petition transfers under Section 549 of the Bankruptcy Code;
3. The Trustee be and hereby is authorized and empowered to take all actions necessary to implement the relief granted herein, including but not limited to issuing and serving subpoenas for production of documents and for examination of witnesses;
4. Each of the Rule 2004 Parties must (a) produce all requested documents to the Trustee by September 12, 2018, and (b) submit to an examination under Rule 2004 of the Bankruptcy Rules at times to be arranged by the parties, but not later than September 28, 2018. Attached hereto as Annex I is the Trustee's request for documents as applicable to the Rule 2004 Parties.
5. This Order is without prejudice to the rights of the Trustee to apply to the Court for further discovery of the Rule 2004 Parties or any other person or entity;

6. The requirements under Rule 9013-1(G) to file a memorandum of law in connection with the Motion be and hereby is waived;

7. The Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order;

8. This Order shall be effective immediately upon entry.

Dated: Richmond, Virginia
Aug 30 2018, 2018

/s/ Keith L. Phillips
UNITED STATES BANKUPTCY JUDGE

Entered on Docket: Aug 31 2018

I ASK FOR THIS:

/s/ William A. Broscious
William A. Broscious, Esquire (VSB #27436)
KEPLEY BROSCIOUS & BIGGS, PLC
2211 Pump Road
Richmond, Virginia 23233
Tel: 804.741.0400 x202
wbrosscious@kbbplc.com

Counsel for the Trustee

CERTIFICATION OF ENDORSEMENT
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)

I hereby certify that the foregoing proposed Order has been endorsed by or served upon all necessary parties.

/s/ William A. Broscious
Counsel

SERVICE LIST:

Counsel to the Trustee:

William A. Broscious, Esquire
Kepley Broscious & Biggs, PLC
2211 Pump Road
Richmond, Virginia 23233

Office of the U.S. Trustee:

Robert B. Van Arsdale, Esquire
Shannon Pecoraro, Esquire
OFFICE OF THE U. S. TRUSTEE
701 East Broad Street - Suite 4304
Richmond, Virginia 23219

Debtor:

CellCon Group, Inc.
8401 Patterson Ave.
Suite 205
Henrico, Virginia 23229-6430

Counsel for the Debtor:

Jeanne E. Hovenden, Esquire
Jeanne E. Hovenden, P.L.L.C.
9830 Lori Road
P.O. Box 1839
Chesterfield, Virginia 23832

Rule 2004 Parties:

Jimmy Lee
River City Recovery, LLC
2500 Austin Ave.
Richmond, Virginia 23223

Andy Duke
Duke Management Services, Inc.
3420 Pump Road #215
Henrico, Virginia 23233

ANNEX I

REQUEST FOR PRODUCTION

Any and all Documents concerning and/or or pertaining to the storage of the Equipment at the Duke Location.

Any and all Documents concerning and/or or pertaining to the transport, transfer, relocation, removal, and/or other disposition of the Equipment from the Duke Location, including but not limited to Documents concerning and/or pertaining to any services provided by River City in connection therewith.

Any and all Documents concerning and/or or pertaining to the putative sale and purchase and/or other disposition of the Equipment, including but not limited to the putative sale of the Equipment by Duke and purchase of the Equipment by Daughtrey.

For the purposes of the foregoing:

“Affiliates” shall mean as to any person or entity, any other person or entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, such person or entity.

“Concerning” shall mean in whole or in part, and directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, constituting, embodying and mentioning.

“Debtor” shall mean CellCon Group, Inc., also known and doing business as Budget Lawn Care.

“Daughtrey” shall mean William Daughtrey, a citizen and resident of Virginia.

“Documents” shall mean, without limitation, the original and copies of any written, recorded or graphic matter, however produced and reproduced, including, but not limited to, all letters, telegrams, correspondence, reports, listing agreements, other agreements, memoranda, contracts, contract modifications, recordings, manifests, memorial of telephone conversations or meetings or conferences, interoffice or intra-office communications, work papers, handwritten notes, minutes, handwritten drafts, press releases, statements, transcripts, desk calendars, personal appointment pads, appointment books, diaries, “rolodex” cards, telephone bills, expense account statements, expense vouchers, credit card charges, credit card receipts, travel records, receipts, canceled checks or other instruments of payment or indicia of payment, bank statements, endorsements, account statements, invoices, bills, comparisons, acknowledgments, analyses, portfolios, ledgers, ledger sheets, books of account, journals, audits, accountants reports, filings with any governmental agency, financial statements, corporate records, purchase

orders, timecards, attendants records, drawings, sketches, diagrams or other writings of any nature whatsoever (whether written, handwritten, typed, Xeroxed, Photostatted, printed, duplicated, reproduced, recorded, or drafted, however produced or reproduced, [including magnetic impulses, mechanical or electrical transcription]) or anything or matter which by itself or in connection with other matters or things will produce an intelligible image or sound containing, reflecting or recording in whole or in part, any information (including, without limitation, any correspondence, communication, discussion, conclusion, report, recordation or notation) arising out of or concerning the subject matter addressed (including, without limitation, all interim as well as final drafts, non-identical copies, reports, pictures, drawings, sketches, work sheets, diagrams, handwritten notes or other recorded material of any kind or nature).

“Duke” shall mean Andy Duke and/or Duke Management Services, Inc., and/or either or both of their respective affiliates, including but not limited to the owner/operator of the Duke Location.

“Duke Location” shall mean the E-Z Box Storage location located at 2326 Commerce Center Drive in Rockville, Virginia.

“Equipment” shall mean any and all personal property of the Debtor as of the Petition Date, including but not limited to the items of equipment identified on Schedule 1 attached hereto.

“Pertaining to” shall mean, without limitation, discussing, embodying, mentioning, concerning, referring, relating directly or indirectly, or legally, logically, factually or in any way connected to, in whole or in part, the matter discussed.

“Petition Date” shall mean December 3, 2017.

“River City” shall mean Jimmy Lee and River City Recovery, LLC, sometimes doing business as Atlantic Services.

Schedule 1

(attached)

Debtor Cellcon Group Inc
Name

Case number (if known) 17-36015

43. **Total of Part 7.** \$10.00
Add lines 39 through 42. Copy the total to line 86.

44. **Is a depreciation schedule available for any of the property listed in Part 7?**
 No
 Yes

45. **Has any of the property listed in Part 7 been appraised by a professional within the last year?**
 No
 Yes

Part 8: Machinery, equipment, and vehicles

46. **Does the debtor own or lease any machinery, equipment, or vehicles?**

No. Go to Part 9.
 Yes Fill in the information below.

| General description Include year, make, model, and identification numbers (i.e., VIN, HIN, or N-number) | Net book value of debtor's interest (Where available) | Valuation method used for current value | Current value of debtor's interest |
|---|---|--|---------------------------------------|
| 47. Automobiles, vans, trucks, motorcycles, trailers, and titled farm vehicles | | | |
| 47.1. <u>2016 Ford F150 1FTMF1EF8GKD96793</u> | \$0.00 | N/A | \$22,459.00 |
| 47.2. <u>2016 Ford F150 1FTMF1EF3GKE29232</u> | \$0.00 | N/A | \$22,459.00 |
| 47.3. <u>2016 Ford F150 VIN =1FTMF1EF6GKE09850</u> | \$0.00 | N/A | \$22,549.00 |
| 47.4. <u>2016 Ford F150 VIN=</u> <u>1FTMF1EF5GKF16033</u> | \$0.00 | N/A | \$22,631.00 |
| 47.5. <u>2016 FORD 1FD7X2B66GEB27190</u> | \$0.00 | N/A | \$21,210.00 |
| 47.6. <u>2016 FORD 1FDBF2B66GEC18439</u> | \$0.00 | N/A | \$19,880.00 |
| 47.7. <u>2015 FORD 1FTBF2B6XFEB15687</u> | \$0.00 | N/A | \$23,427.00 |
| 47.8. <u>2015 FORD 1FTBF2B60FEB76028</u> | \$0.00 | N/A | \$23,437.00 |
| 47.9. <u>2015 FORD 1FT8W3BT0FEC76636</u> | \$0.00 | Expert | \$35,315.00 |
| 47.10 <u>2008 FORD F350 1FTWW31R88EB18920</u> | \$0.00 | | \$0.00 |
| 47.11 <u>2006 FORD F250 1FTSF21PX6EA10853</u> <u>WRECKED</u> | Unknown | | Unknown |
| 47.12 <u>2006 FORD F250 1FTSF21P56EB98391</u> <u>Wrecked</u> | Unknown | | Unknown |

Debtor Cellcon Group Inc
Name

Case number (if known) 17-36015

| | | | | |
|-------|--|-------------|-------------|--------------|
| 47.13 | 2013 Ford F150 VIN 1FTNF1CF2DKF76547 | \$0.00 | | \$9,523.00 |
| 47.14 | 2015 Ford F150 VIN 1FDBF2B63FEA29116 | \$0.00 | | \$19,360.00 |
| 47.15 | 2015 Ford F250 VIN 1FTBF2B66FEA37523 | \$0.00 | | \$24,672.00 |
| 47.16 | 2015 Ford F250 VIN 1FTBF2B62FEC86983 | \$0.00 | | \$24,672.00 |
| 48. | Watercraft, trailers, motors, and related accessories Examples: Boats, trailers, motors, floating homes, personal watercraft, and fishing vessels | | | |
| 48.1. | 2003 HURST trailer vin 1H9T3162431057330 | Unknown | | Unknown |
| 48.2. | 2008 PROHAUL MACHINE TRAILER VIN 199BL16288F563228 (small machine trailer) | Unknown | | Unknown |
| 48.3. | 2005 BRIN DUMP TRAILER VIN43YDC12275C039362 | \$576.00 | Tax records | \$576.00 |
| 48.4. | 2008 HOLMES TRAILER VIN 5LV8V10128A016476 | Unknown | Tax records | Unknown |
| 49. | Aircraft and accessories | | | |
| 50. | Other machinery, fixtures, and equipment (excluding farm machinery and equipment) Terex PT 60 Heavy Duty Brush Cutter/Skid Steer 60 HP | \$11,325.00 | Expert | \$20,000.00 |
| | See attached list chainsaws, brush cutting equipment, misc landscaping equipment (leaf blowers, chainsaws, water transport tanks, sprayers) | Unknown | Tax records | Unknown |
| | Skid Steer 75 HP with High flow capacity | \$7,762.00 | Expert | \$40,000.00 |
| | GPS tracking units for each truck - leased from Fleetmatics and Verizon NetworkFleet | Unknown | N/A | Unknown |
| 51. | Total of Part 8. Add lines 47 through 50. Copy the total to line 87. | | | \$352,170.00 |

| CellCom misc equipment listing incorporated into Schedule B | | | | | |
|---|------------------------------|-----------|----------|---------|--|
| ID * | Description | inservice | cost | Deprec | |
| | | | | Value | |
| 5 | 6 Laptops | 1/14/13 | \$4,489 | \$517 | |
| 6 | 2 Laptops | 2/04/13 | \$756 | \$87 | |
| 7 | Laptop | 2/12/13 | \$400 | \$46 | |
| 8 | Laptop | 9/11/13 | \$370 | \$43 | |
| 9 | Laptop | 10/01/13 | \$850 | \$98 | |
| 11 | Cameras | 03/07/11 | \$1,800 | \$161 | |
| 44 | Weed Eater | 04/11/12 | \$357 | \$32 | |
| 48 | TraiJer | 4/01/02 | \$1,750 | \$0 | |
| 49 | 20ft Trailer | 3/27/04 | \$3,650 | \$0 | |
| 54 | Trailer | 6/18/07 | \$1,300 | \$0 | |
| 55 | 2008 Ford Truck | 12/12/07 | \$41,925 | \$0 | |
| 59 | ASV Taller | 12/24/07 | \$7,395 | \$0 | |
| 60 | Dump Trailer | 12/12/07 | \$4,000 | \$0 | |
| 61 | Trailer | 8/26/08 | \$1,355 | \$0 | |
| 62 | Trailer | 11/24/08 | \$2,907 | \$0 | |
| 64 | Laptop (Amazon) | 12/04/12 | \$866 | \$99 | |
| 65 | Office Monitors | 6/20/14 | \$1,058 | \$122 | |
| 66 | Printer (Office Max) | 9/15/14 | \$401 | \$47 | |
| 67 | TV Screen for Desktop | 7/09/14 | \$448 | \$52 | |
| 68 | New Sprayers | 1/16/14 | \$1,320 | \$165 | |
| 69 | Camera (Amazon) | 12/09/14 | \$462 | \$57 | |
| 70 | Camera (Amazon) | 12/09/14 | \$543 | \$68 | |
| 71 | Laptop (Best Buy) | 5/05/14 | \$505 | \$58 | |
| 82 | Bestbuy Lap Top | 5/04/15 | \$597 | \$115 | |
| 83 | Surface Pro/Keyboard - Josh | 6/02/15 | \$1,045 | \$201 | |
| 84 | Collier - Mower | 4/23/15 | \$11,554 | \$2,218 | |
| 85 | Brushcut 26 HON SN-062915001 | 7/15/15 | \$3,620 | \$695 | |
| 86 | Billy Goat Mower | 09/10/15 | \$4,360 | \$837 | |
| 87 | Leaf Blower | 8/06/15 | \$300 | \$0 | |

Certificate of Notice Page 12 of 12
United States Bankruptcy Court
Eastern District of VirginiaIn re:
Cellcon Group Inc
DebtorCase No. 17-36015-KLP
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0422-7

User: manleyc
Form ID: pdford9Page 1 of 1
Total Noticed: 4

Date Rcvd: Aug 31, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 02, 2018.

db Cellcon Group Inc, 8401 Patterson Avenue, Suite 205, Henrico, VA 23229-6430
+Andy Duke, Duke Management Services, Inc., 3420 Pump Road #215, Henrico, VA 23233-1111
+Jimmy Lee, River City Recovery LLC, 2500 Austin Ave., Richmond, VA 23223-2333Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg +E-mail/Text: ustpregion04.rh.ecf@usdoj.gov Sep 01 2018 02:32:06 UST smg Richmond,
Office of the U. S. Trustee, 701 East Broad St., Suite 4304, Richmond, VA 23219-1849
TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 02, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 31, 2018 at the address(es) listed below:

Andrew S. Goldstein on behalf of Creditor CWC Chemical, Inc. AGoldstein@mglspc.com, jcoffman@mglspc.com
 Carl A. Eason on behalf of Creditor Ford Motor Credit Company LLC bankruptcy@wolriv.com
 Jeanne E. Hovenden on behalf of Debtor Cellcon Group Inc jehattorney@gmail.com, jehcourt@gmail.com;shannontingle@gmail.com
 Judy A. Robbins USTPRegion04.RH.ECF@usdoj.gov
 Kimberly A. Taylor on behalf of Trustee Roy M. Terry, Jr. ktaylor@kbbplc.com
 Roy M. Terry, Jr. on behalf of Trustee Roy M. Terry, Jr. rterry@sandsanderson.com, rterry@iq7technology.com;sryan@sandsanderson.com
 Roy M. Terry, Jr. rterry@sandsanderson.com, rterry@iq7technology.com;sryan@sandsanderson.com
 William A. Broscious on behalf of Trustee Roy M. Terry, Jr. wbroscious@kbbplc.com
 TOTAL: 8